

## REMARKS

The Office Action of December 5, 2001 is acknowledged.

### Oath/Declaration

The Examiner has claimed that the Declaration is defective as it does not identify the Post Office address of each inventor including the zip code designation. Applicant respectfully reminds the Examiner that an Application Data Sheet, including the inventors' complete Post Office address, was included with the Application. In accordance with 37 C.F.R. §1.63(c), the address of the inventors is not required on the Declaration because this information is included in the Application Data Sheet. Therefore, Applicant submits that a new Declaration is not required.

### Drawings

With the enclosed proposed amendments in redline for Figures 1-5 and 11-12, Applicant has addressed the Examiner's comments regarding the drawings. With respect to Figure 5, Applicant notes that in the submission of substitute drawings requested by the USPTO, the number "7" was inadvertently removed before the number "4" for reference number "74". This has been addressed in the amendment. No new matter has been added.

### Specification

Applicant has amended Paragraph 0026 to include the reference to screws 20' consistent with the drawings. No new matter has been added. The Abstract has also been amended in accordance with the Examiner's comments to remove the legal phraseology "said".

### Claim Objections

The Examiner's claim objections 1-9 have been addressed in the amendments to the claims above. Claim objections 10-13 pertain to claims 16 and 20 which have been cancelled. Also, in response to the objection, the reference character in claim 4 has been removed in the above amendment.

### Claims Objections – 35 U.S.C. §112, 2<sup>nd</sup> paragraph

The Examiner has objected to the phrase "such as" in claims 1 and 16. In the above amendments, the phrase "such as" has been removed from claim 1 and claim 16 has been cancelled.

In response to the Examiner's objection, claim 2 has been clarified to specify that the "arcuate portion" is in the retainer.

Claim 3 has been amended in accordance with Examiner's comments to delete the "means" phraseology.

Claim 5 was rejected on the basis that it is unclear whether "said bolt" in line 2 and "said nut" in line 3 refer to the bolt and nut in claim 3 or claim 5. Applicant respectfully traverses this rejection as it is clear that the nut and bolt referred to are the ones in claim 5. Claim 5 does not depend from claim 3 so the limitations in claim 3 do not form a part of claim 5.

The rejection relating to insufficient antecedent basis for "the rotational orientation" in claim 6 has been addressed in the above amendment.

Claim 15 was rejected on the contention that it is unclear whether "said bolt" in line 2 was referring to the bolt in claim 12 or claim 14. Applicant respectfully traverses this rejection as claim 15 does not depend from claim 12 making it clear that the bolt referred to is the one from claim 14 and not claim 12.

Regarding the Examiner's comments that there was insufficient antecedent basis in claims 19 and 20, these claims have been cancelled.

#### Claim Rejections – 35 U.S.C. §102

Claims 1, 9 and 16-18 were rejected as being anticipated by U.S. Patent No. 5,400,993 to *Hamilton*. Claims 16-18 have been cancelled. Applicant traverses the rejections of claims 1 and 9. Both claims 1 and 9 require a "swivel part fitted into said slot and engaging the catch part to support said frame". In *Hamilton*, the swivel part 108a identified by the Examiner does not engage catch part 112. Rather, in *Hamilton*, swivel part 108a is attached to catch part 112 by a fastener pin 110. Furthermore, swivel part 108a in *Hamilton* is incapable of engaging the catch part 112 to support the frame without the fastener pin. Accordingly, claims 1 and 9 are clearly not anticipated by *Hamilton*.

Applicant has also added new claims 21-30, which Applicant considers allowable.

An earnest attempt has been made to respond fully and completely to the Office Action of December 5, 2001. It is believed that all remaining claims 1-15 and 21-30 are in condition for allowance. Accordingly, passage to issuance is respectfully solicited. If necessary to effect a timely response, please consider this paper a petition for extension of

time sufficient to make this response timely and charge any fees not covered by the attached check and credit any over payment of fees to Baker & Daniels deposit account number 02-0387 (75225.77).

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version With Markings to Show Changes Made."**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Daniel Tychonievich

Registration No. 41,358

Attorney for Applicant

BAKER & DANIELS

205 West Jefferson Blvd., Suite 250

South Bend, IN 46601

Tel: (574)234-4149

Fax: (574)239-1900

Enclosure: Postcard

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 11, 2002.

3/11/02

Date



Daniel Tychonievich

Daniel Tychonievich, Reg. No. 41,358

**"VERSION WITH MARKINGS TO SHOW CHANGES MADE"**

[0026] Mount 10 of this invention is shown in assembled form in Figure 4 and in an exploded disassembled form in Figure 1. The mount includes a support frame 12 having sides 14, bottom 16, and top 18. Sides 14, bottom 16, and top 18 are joined by suitable fasteners such as screws 20 and 20' with a mounting plate 22 being connected to bottom 16 by fasteners 24. A TV monitor 26 or a similar device is attached to mounting plate 22. A particular component regarding frame 12 is catch part 28 which forms a part of the swivel 30 connecting frame 12 to the appropriate wall or ceiling attachment which will be later described. Catch part 28 forms a component of top 18 of the frame and includes upturned side walls 32 which parallel one another in a spaced-apart relationship. Extending between side walls 32 and forming a component of the catch part is retainer 34. Retainer 34 includes an arcuate portion 36 which parallels the general transverse orientation of the frame. A slot 38 is formed in one of the catch part side walls 32 and extends into arcuate portion 36 of the retainer.

1. **(Amended)** A mount for an appliance such as a TV or similar monitor comprising: a frame for supporting said appliance, said frame including an upper catch part, said catch part having a slot therein, a swivel part suspended from a support adapted to be mounted to a wall or ceiling, said swivel part fitted into said catch part slot and engaging the catch part to support said frame.
2. **(Amended)** The mount of claim 1, wherein said swivel part includes a barrel-shaped member, said catch part including a retainer intersected by said slot and said retainer including an arcuate portion, said barrel-shaped member located under said arcuate portion to allow pivotal movement of said arcuate portion about said barrel-shaped member.
3. **(Amended)** The mount of claim 2, wherein said barrel-shaped member carries a key part extending into said catch part, said key part having an opening, said catch part having a side wall, a bolt extending through a side wall in said catch part and key part opening, a nut turned upon said bolt and against said key part, said bolt and nut constituting means by which said frame is drawn said nut drawing said frame toward said key part when said nut is turned upon said bolt against the key part to tilt said frame relative to said swivel part.

4. **(Amended)** The mount of claim 2, wherein said swivel part includes a rotation member allowing support said frame 42 to be rotated about a vertical axis.

9. **(Amended)** A mount for a an appliance comprising: a frame for supporting said appliance, said mount including an upper catch part, said catch part having a singular slot therein ~~said slot~~ that is located centrally relative to side portions of said frame, a swivel part fitted into said ~~catch part~~ slot and engaging the catch part to support said frame from a wall or ceiling.

12. **(Amended)** The mount of claim 10, further comprising a key part attached to said barrel-shaped member and extending into said catch part, said key part having an opening, said catch part having a side wall, a bolt extending through a side wall in said catch part and key part opening, and a nut turned upon said bolt and against said key part, said bolt and said nut partially defining a tilting mechanism by which said frame is drawn toward said key part when said nut is turned upon said bolt against the key part to tilt said frame relative to said swivel part.